THE HON'BLE MR JUSTICE RAMESH RANGANATHAN

WRIT PETITION No.13031 of 1997

O R D E R:

Seeking a direction from this Court to declare proceedings dated 4.6.1997 as arbitrary and illegal and to direct the respondents to absorb the petitioner as a Lecturer in Telugu in Bhavan's New Science College, Narayanguda, Hyderabad, the present writ petition is filed.

In the impugned proceedings dated 4.6.1997, the Commissioner of Collegiate Education rejected the request of the petitioner, on deputation from A.S.M. College for Women, Warangal, for permanent absorption on the ground that the conditions prescribed in Govt. Memo dated 16.1.1989 had not been fulfilled. The Commissioner, however, stated that the petitioner be continued on deputation basis till 2.7.1997.

In the counter affidavit filed on behalf of the respondents reference is made to the six conditions stipulated in the Government Memo dated 16.1.1989 which read as under:

i) Written consent of the lecturer and both the institutions to be obtained;
ii) There should be no financial commitment to Government;
iii) Transfer should be with each six point formula zone only;
iv) Reservation for SC, ST and BCs is not effected;
v) The Lecturer should be qualified to hold the post to which he/she is being transferred;
vi) The prescribed workload have to be adhered to.

It is further stated that, while conditions 1,2,5 and 6 have been complied with, conditions 3 and 4 was not and that the 3rd respondent college had, in fact, been instructed to fill up the back

log vacancies of S.C., S.T., and B.C. lecturers.

Sri P.V.S.S.S.Rama Rao, learned counsel for the petitioner would submit that in view of the status quo order passed by this Court in the present writ petition, the petitioner is still continuing in Bhavan's New Science College as a Lecturer in Telugu. Learned counsel for the petitioner would place before this Court a copy of the proceedings of the Director of Collegiate Education dated 16.7.2002, whereby four posts of lecturers were filled up with candidates belonging to the Scheduled Castes. Learned counsel would also refer to the proceedings of the Director of Collegiate Education dated 27.9.2002 whereby the appointment of Smt.B.D.Rajani, a candidate belonging to the Scheduled Caste category was approved for appointment as Lecturer in Commerce. Learned counsel would submit that, in view of aforesaid orders, the requirement of filling up the back long vacancies has since been complied with. Learned counsel would contend that, from out of the six point formulated, point No.3 had no application to aided posts in private colleges and as such the petitioner, having satisfied the other requirements, must be held eligible to be absorbed as Lecturer in Telugu in the 3rd respondent – college.

Learned Government Pleader for Higher Education would submit that, since the proceedings dated 16.7.2002 and 27.9.2002, were much after the counter affidavit was filed in the writ petition, he has no knowledge as to whether the back log vacancies of S.C., S.T and B.C. in the 3rd respondent college have been filled up or not. Learned Government Pleader would, however, contend

that the six conditions stipulated are applicable even to aided posts in private colleges.

Sri P.V.S.S.S.Rama Rao, learned counsel for the petitioner, would submit that, since the petitioner has submitted a representation on 27.8.2007 to the Director of Collegiate Education bringing to his notice that the back-log vacancies have been filled up and, except for one, all the conditions stipulated have been satisfied, it would suffice, if this Court instead of adjudicating on these aspects, were to direct the 1st respondent to consider the representation of the petitioner and pass orders in accordance with law within a specified time frame. Learned counsel would submit that, if need be, another copy of this representation dated 27.8.2007 shall be submitted to the Director of Collegiate Education within a period of two weeks from the date of receipt of a copy of this order enclosing a copy of this order to the said representation.

Ends of justice would be met if the petitioner is permitted to make a representation afresh to the 1st respondent enclosing a copy of this order within two weeks from the date of receipt of a copy of this order and the 1st respondent is directed to consider the same and pass appropriate orders in accordance with law within a period of three months thereafter. In case the petitioner submits the representation within the time stipulated, of two weeks from the date of receipt of a copy of this order, the status quo order as existing during the pendency of the writ petition shall continue till the representation is disposed of by the 1st respondent in accordance with law.

The writ petition is disposed of accordingly. No order as to costs.

_____

29-8-2007

asp